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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,250	09/25/2003	Craig William Fellenstein	AUS920030536US1	8160
34533	7590	07/11/2006	EXAMINER	
INTERNATIONAL CORP (BLF)			WIN, AUNG T	
c/o BIGGERS & OHANIAN, LLP			ART UNIT	
P.O. BOX 1469			PAPER NUMBER	
AUSTIN, TX 78767-1469			2617	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,250	FELLENSTEIN ET AL.	
	Examiner	Art Unit	
	Aung T. Win	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on May 26, 2006 have been fully considered but they are not persuasive.

1.1 Regarding Claims 1, 3-5, 8, 10-12, 15 and 17 & 18, Applicant argues that modified method fails to teach claimed steps. To support this argument, applicant stated that speech characteristics of Akhteruzzaman are not voice prints as claimed because applicant's voice prints are voice samples according to cited disclosed specification. Examiner disagrees with Applicant's assertions.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is obvious to one of ordinary skill in the art that Akhteruzzaman's speech characteristics is a voice print because voice print is unique characteristic of the individual speaker. Moreover, Akhteruzzaman's system is voice-print identification system for voice message screening [See Title, Abstract and Summary]. It is also obvious to skill in the art that the speech characteristics is determined based on voice samples.

Applicant argues that Akhteruzzaman does not mention "storing at least one caller speech tag in association with the voice print" on Page 6. Examiner disagrees.

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Akhteruzzaman teaches storing step as claimed [Paragraph 0015, Steps 208 and 211] [Paragraph 0017, step 307].

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Akhteruzzaman discloses a voice-print identification system for voice message screening in which screening voice message (i.e., selecting voice message) is based on user selected input and a calling party speech tag [Paragraph

0017 & 0018] [See Abstract and Summary] in which calling party speech tag identify the caller. Weinmann provides mechanism for searching information from the listing stored in the personal storage directory (PSD) based on received user spoken command (i.e., search keyword) and a voice print tag [Column 8, Line 51- Column 9, Line 33] [Column 16, Line 61-22]. Weinmann does not mention voicemail or voicemail searching as stated [Applicant argument; Page 10]. However, as stated above, both methods teaches selecting information specific to a person and the person is identified by speech tag i.e., voice print tag and therefore, the references are the analogous arts and the rejection, as written, stands.

1.2 Regarding Claims 6, 13 and 19, Applicant argues that Yuschik does not disclose storing Caller Identification data that identifies a caller in association with a voice message. Examiner disagrees.

Yuschik discloses that caller cohort database are implemented the same as the subscriber cohort database are implemented as shown in Figure 2 to store received voice messages corresponding to specific caller so that subscriber can retrieve only voice messages corresponding to a specific caller [Paragraph 0049-0053]. In subscriber cohort database, each subscriber is identified by voice template of subscriber's voice (i.e., subscriber identification data) using Speaker Independent (SI) and Speaker Dependent (SD) Technology [Paragraph 0014]. Since the method allows the subscriber to retrieve only messages corresponding to specific caller, caller

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identification data (i.e., caller's voice using SI and SD technology) must be inherently stored in the caller's cohort database to identify the caller in association with received voice messages as similar to subscriber cohort database shown in Figure 2.

Applicant also argues that Yuschik does not teach selecting voice messages in dependence upon the search keyword and the caller identification data. Examiner disagrees.

Yuschik clearly teaches receiving one or more search keywords i.e., one or more subscriber (particular voice mail user) spoken words [Step 800 and 804] for selecting voice messages stored in the caller's cohort database left by the specific caller in dependence upon the search keyword (i.e., one or more spoken words) and stored caller identification data in the caller's cohort database. Therefore, Yuschik teaches claimed limitations i.e., storing step, identifying step, receiving step and selecting step.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 8, 10-12, 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhteruzzaman et al. (Publication Number: US 20030169857A1) in view of Weinman, Jr. (Patent Number: US006658455B1).

2.1 Regarding Claims 1 & 8, Akhteruzzaman discloses voice-print based voice message screening system (i.e., selecting voice message based on voice-print).

Akhteruzzamann discloses Memory 114C and Speech Analysis System 114A, Voice Recognition System 114B, Subscriber Interface 114D and Speech Synthesis system 114G (claimed means) [Paragraph 0011; Line 9-14] of the voice-print based voice message screening system

for storing a speech characteristic (voice print) of a calling party in association with a voice message [Paragraph 0015, Step 211] [Paragraph 0017, Step 307];

for storing calling party tag (speech tag) [Paragraph 0015, Step 208 & Step 211] in conjunction with the speech characteristic (the voice print), and

for identifying a calling party who leaves a voice message in dependence upon the speech characteristic [Paragraph 0015, Step 207] [Paragraph 0017, Step 305 & 307].

Akhteruzzamann clearly teaches that the method is implemented to expedite the selecting of identified calling party voice message in which a calling party identification is based on a calling party speech tag [Paragraph 0018] [See Abstract and Summary] utilizing the corresponding means stated above.

Akhteruzzaman fails to disclose the claimed receiving step for receiving a search keyword from a voicemail user so that to select a voice message based on the received keyword and the calling party speech tag.

Weinmann discloses the method of searching information from the listing stored in the personal storage directory (PSD) based on a voice print tag [Column 8, Line 51-Column 9, Line 33] [Column 16, Line 61-22]. Weinmann teaches the claimed receiving step for receiving a search keyword i.e., subscriber spoken word for comparing the spoken word with the voice print tag in order to select the identified information from the PSD [Figure 1A & 4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Akhteruzzaman's voice message screening system for selecting the voice message based on spoken key word and voice print tag as taught by Weinmann to implement the claimed invention i.e., searching voice message based on search keyword and caller speech tag. One of ordinary skill in the art would have been motivated to do this in order to improve search time in searching and retrieving method of the identified calling party voice messages and to search the voice messages efficiently with a spoken keyword and voice tag in the case when conventional caller ID is not available for identifying the calling party.

2.2 Claim 15 rejected for the same reason as stated above in Claims 1 and 8 rejection because claimed steps substantially reads on the corresponding steps of Claims 1 and 8. It is obvious to one skill in the art that modified Akhteruzzaman's system must have claimed computer program product comprising a recording medium in order to store program instructions for executing the claimed steps.

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2.3 Regarding Claims 3, 10 & 17, Akhteruzzaman discloses the speech analysis system 114 to retrieve at least a portion of the voice message stored by the calling party to determine the speech characteristics of the calling party [See Step 305 in Paragraph 0017 on Page 3] [Figure 3] (retrieving speech characteristics of the calling party reads on extracting the voiceprint from voicemail).

2.4 Claims 4, 11 & 18 are rejected for the same reasons as stated above in Claims 1, 8 & 15 rejections. Modified Akhteruzzaman teaches the claimed step [See Claims 1, 8 & 15 stated above] [Akhteruzzaman; Paragraph 0015].

2.5 Regarding Claims 5, 12 & 19, modified Akhteruzzaman teaches claimed steps of converting spoken caller tag into text [Akhteruzzamn: Paragraph 0018] for providing a text-based calling party identification.

3. Claims 2, 9 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhteruzzaman et al. (Publication Number: US 20030169857A1) in view of Weinman, Jr. (Patent Number: US006658455B1), further in view of Yuschik (Publication Number: US 20020152078A1).

3.1 Regarding Claims 2, 9 & 16, modified Akhteruzzaman fails to disclose claimed storing method i.e., prompting a caller for a predefined greeting for the voiceprint.

Yuschik teaches the voiceprint identification system to identify the calling party who leaves a voice message and to allow the called party to retrieve only messages from a selected caller (Paragraph 0049) (Figure 7). Yuschik's voiceprint identification system allows a caller to leave the caller's name for the voiceprint by separately prompting the caller for his name and his message (reads on prompting a caller for a predefined greeting) (Paragraph 0049, Line 6-8).

Therefore, it would have been obvious to one of ordinary skill in the art to further modify the storing of caller's voiceprint in modified Akhteruzzaman's voice-print based voice message screening system by allowing a calling party to leave the caller's name as taught by Yuschik for efficiently assisting a voice mail user in identifying of calling party and tagging the voice messages by name [Yuschik; Figure 8 & Paragraph 53].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuschik et al. (Patent Number: US 20020152078A1).

4.1 Regarding Claims 6 & 13, Yuschik discloses voice print identification system for selecting stored voice messages [Paragraph 0049-0053] [Figure 8]. Yuschik discloses claimed means [See components in Figure 1]

for storing the caller spoken name i.e., (caller identification data) [Paragraph 0049];

for identifying caller based on Speaker Independent and Dependent Technology in which the caller spoken name is associated with a voice message in order to retrieve the voice message in dependent upon the caller identification data [Paragraph 0050];

for receiving a spoken name (search keyword) [Paragraph 0053] from voicemail subscriber; and

for selecting one or more voice messages [Paragraph 0053] based on the spoken name of a caller and stored caller spoken name i.e., caller identification data.

5. Claims 7, 14 & 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kermani (Patent Number: US006697796B2).

5.1 Regarding Claim 7, Kermani discloses a method for voicemail searching, the method comprising:

Storing, in association with a voice mail message [Column 5, Line 45], message text converted from the voice message [Column 4, Line 25-30] [Column 5, Line 44-50];

Receiving at least one search keyword from a voicemail user to select voice message [Voice clip search module; Column 4, Line 66-Column 5, Line 8] [Input text string; Column 6, Line 12] [Keyword; Column 6, Line 39-40] based upon the search keywords and the message text.

5.2 Claim 14 is rejected for the same reason as stated above in Claim 7 rejection because the storing, receiving and selecting steps performed by claimed means reads on the corresponding steps of Claim 7.

Kermani's system is integrated with claimed means [Figure 1] i.e., voice clip audio text sector 300; controller 300 and voice clip search module 100 in order to perform the corresponding claimed steps [See Figure 1 and corresponding disclosure].

5.3 Claim 20 is rejected for the same reason as stated above in Claims 7 and 14 rejection because claimed steps substantially reads on corresponding steps of Claims 7 and 14. Kermani's system must have claimed computer program product comprising a recording medium in order to execute the claimed steps.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win
Group Art Unit 2617
June 27, 2006


DUC NGUYEN
PRIMARY EXAMINER